

EDNA J. SMITH  
VS.  
MARY E. MILLER  
JOHN H. FISHER  
LLOYD FISHER  
MAYNARD FISHER  
and

THE UNKNOWN HEIRS,  
DEVISEE,

PERSONAL REPRESENTATIVES,  
DESCENDANTS OR SUCCESSORS  
IN INTEREST OF PHILIP C.  
FISHER, JOHN H. FISHER, JANE  
E. FISHER, OSCAR W. FISHER,  
CHARLES W. FISHER, KEEFER I.  
FISHER AND ALBERT P. FISHER,  
DECEASED.

NO. 21,852 EQUITY  
IN THE CIRCUIT COURT FOR  
FREDERICK COUNTY, MARYLAND  
ORDER OF PUBLICATION

The object of this Bill is that the Court may take jurisdiction in the premises and enter a Decree removing the cloud upon the title of the Complainant and that the Court shall declare that the Complainant have a good and marketable fee simple title to the property described in the Bill of Complaint, and may sell or convey or otherwise deal with said property without regard to the claims of Mary E. Miller, John H. Fisher, Lloyd Fisher and Maynard Fisher, and the unknown heirs, devisees, personal representatives, descendants or successors in interest of Philip C. Fisher, John H. Fisher, Jane E. Fisher, Oscar W. Fisher, Charles W. Fisher, Keefer I. Fisher, and Albert P. Fisher, deceased.

The Bill recites that Edna J. Smith, widow, your Complainant herein, is the owner of a tract or parcel of real estate, situate, lying and being in Jackson Election District, Frederick County, Maryland, and more particularly described as follows:

Being part of a tract of land called "Grammers Deer Park, beginning for the part hereby intended to be conveyed as the end of the 12th line of the deed from James O. Hooper and Edward S. Eichelberger trustees to George D. Gaver and running thence according to the bearings of the lines on the Twenty-first (21st) day of March, 1893, North 78 3/4 degrees, East 35 perches to a stone planted thence North 10 degrees, East 15.8 perches to a stone planted; thence North 7 1/2 degrees, East 7.4 perches to a stone planted near a spring; thence North 57 degrees, West 37.25 perches to a stone planted on the 10th line of the aforesaid deed, thence 43 3/4 degrees, West to 2.25 perches to a stone planted; thence South 33 1/2 degrees, East 60 degrees to a span oak tree standing at the beginning of this part; containing 13 acres, 3 roods and 15 square perches of land, more or less.

Said tract or parcel of land being all in the same real estate as described and conveyed in a deed from Maynard Fisher and Lena V. Fisher, his wife, and Anthony W. Smith and Edna J. Smith, his wife, (the said Anthony W. Smith having predeceased your said Complainant and title having vested in your Complainant), dated January 11, 1958 and recorded in Liber 613, folio 409, one of the Land Records of Frederick County, Maryland, a certified copy of said deed being filed herewith and marked Plaintiffs' "Exhibit I" and prayed to be taken as a part hereof.

That said tract or parcel of real estate which is the subject of these proceedings is the same tract or parcel of land described and conveyed in a deed from George D. Gaver and Martha E. Gaver, his wife, to Philip C. Fisher and John H. Fisher (jointly) dated December 19, 1893, and recorded in Liber 613, folio 406, one of the Land Records of Frederick County, Maryland, said deed being filed and marked Plaintiffs' "Exhibit II", and prayed to be taken as a part hereof.

Thereafter, the said Philip C. Fisher and John H. Fisher, prior to their death which occurred on or about August 1937, delivered the deed, "Exhibit II" and actually joint possession of the said property to Maynard Fisher and his brother Keefer I. Fisher, but failed to execute and deliver a deed for said tract of land to the aforesaid Maynard Fisher and Keefer I. Fisher.

The said Keefer I. Fisher and Maynard Fisher took possession of said heretofore described real estate as aforesaid, and from the date of such acquisition and taking of possession, holding said property as joint tenants, they continue to possess the tract uninterruptedly until February 12, 1957, when Keefer I. Fisher, unmarried, died intestate.

LIBER

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The Valley Register Office

Exhibit

Middletown, Md. February 16, 19 68  
Equity No. 21,852

Order Of Publication

I hereby certify that the annexed

Edna J. Smith Vs. Mary E. Miller

was published in

The Valley Register, a newspaper published in Frederick County, Md.,

for 4 successive weeks, 5 times, months

prior to the 19th day of March, 19 68

THE VALLEY REGISTER

Per

Mary Summers  
MARY SUMMERS

That the said Maynard Fisher as surviving joint tenant, maintained possession of the aforesaid described tract until he and his wife, Lena V. Fisher conveyed to the said Complainant and her husband on January 11, 1958. The said Complainant herein and her husband until his death also continued to maintain possession of the aforesaid described real estate, and the said Complainant herein avers that the said Maynard Fisher and Keefer I. Fisher, and Anthony W. Fisher and Edna J. Smith, his wife, (the said Anthony W. Smith and having predeceased the said Edna J. Smith), your Complainant have maintained actual and visible continuous, exclusive, hostile, notorious, and adverse possession and control of the aforesaid land and premises with full claim of ownership and under color of title since prior to 1937.

That the question has been raised as to whether the Complainant Edna J. Smith, widow, has a good and marketable fee simple title to the said real estate heretofore conveyed to her and her deceased husband by the aforesaid deed, which is the tract and parcel in question and the subject of these proceedings, containing 13 acres, 3 roods and 15 square perches of land, more or less.

That your Complainant and her Attorneys have made reasonable efforts to ascertain all of the heirs, devisees, personal representatives, descendants or successors in interest of the said Philip C. Fisher, John H. Fisher, Jane E. Fisher, Oscar W. Fisher, Charles W. Fisher, Keefer I. Fisher, and Albert P. Fisher, and have set forth as Defendants the known heirs which the Complainant and her Attorneys have discovered.

That the above matter constitutes a cloud upon the title of your Complainant and although your Complainant claims to hold a valid simple title, the same cannot be established of record without the removal of the aforesaid cloud upon the title of your Complainant, and your Complainant have no adequate remedy at all.

It is thereupon this 10th day of January, 1968, by the Circuit Court for Frederick County, sitting as a Court of Equity, and by the authority thereof, ORDERED that the Complainant, by causing a copy of this order to be inserted in some newspaper published in said Frederick County, once a week in each of four successive weeks, the last of such publication to be made not less than 30 days before the 19th day of March, 1968, give notice to the unknown heirs, devisees, personal representatives, descendants or successors in interest of Philip C. Fisher, John H. Fisher, Jane E. Fisher, Oscar W. Fisher, Charles W. Fisher, Keefer I. Fisher, Albert P. Fisher, deceased, whether residents or non-residents, of the object and substance of this Bill, ordering them to appear in this Court in person or by solicitors, on or before the 19th day of April, 1968, next, to show cause, if any they have, why a decree ought not to be passed as prayed.

Patrick M. Schnauffer  
JUDGE

RALPH L. GASTLEY, JR.  
GASTLEY & STILLRICH  
Solicitors for Complainant  
Frederick, Maryland  
Filed January 10, 1968  
True Copy Test  
Ellis C. Wachter, Clerk  
1-19-5t-(1)